

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
IN RE SEPTEMBER 11 LITIGATION	:	<u>ORDER SETTING STATUS</u>
-----	:	<u>CONFERENCE</u>
MARY BAVIS	:	
	:	
Plaintiff,	:	21 MC 101 (AKH)
	:	02 Civ. 7154
-against-	:	08 Civ. 3719
	:	08 Civ. 3722
UNITED AIRLINES, INC., et al.	:	
	:	
Defendants.	:	
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WORLD TRADE CENTER PROPERTIES LLC, et al.,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	
UNITED AIRLINES, INC., et al.,	:	
	:	
Defendants.	:	
-----	:	
WORLD TRADE CENTER PROPERTIES LLC, et al.,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	
AMERICAN AIRLINES, INC., et al.,	:	
	:	
Defendants.	:	
-----	X	
ALVIN K. HELLERSTEIN, U.S.D.J.:		

On September 10, 2010, the plaintiff in Bavis v. United Airlines, Inc. requested a status conference to consider an appropriate case management order for trial. Defendant United Airlines opposed this request on September 17, 2010. That same day, the WTCP plaintiffs wrote the Court in support of Bavis's request and asking that their own cases in the 21 MC 101 calendar, which are captioned above, be consolidated in the

trial. In view of these various submissions, a status conference shall be held October 20, 2010, at 11:00am to plan for pretrial activities and to set a trial date. All interested parties shall attend via their respective counsel. The October 20 status conference shall address whether trial should be limited to the Bavis case or whether the WTCP plaintiffs' cases should be consolidated. A proposed calendar for pre-trial activities follows.

1. By November 20, 2010, plaintiff shall set out a narrative intended to be read to the jury to inform them of the events of September 11, 2001. The narrative shall not exceed ____ words.¹ The sources of each factual assertion shall be identified.
2. By December 10, 2010, defendant shall set out a counter-narrative to correct disputed assertions and to add assertions necessary for the jury to have a reasonably complete and accurate understanding of the events that occurred on September 11, 2001. The sources of each factual assertion shall also be identified. The counter-narrative shall not exceed ____ words.²
3. The parties shall meet to resolve disputes arising out of their narratives. By December 30, 2010, the parties shall file a letter consistent with my Individual Rule 2E that sets forth agreed and disputed narrative assertions.
4. During this same period, and on the same dates, the parties shall submit to each other lists of individuals not yet deposed whom the parties intend to call as witnesses. The lists also shall identify the business identifications and addresses of all prospective witnesses (not only the persons so identified), as well as descriptions of all expected testimony.


¹ The appropriate length of the narrative shall be established at October 20, 2010 conference.

² The entire narrative shall not be longer than 150% the maximum allowable length of the Bavis narrative.

5. By December 30, 2010, the parties shall submit to the Court these witness lists, together with a deposition schedule of non-deposed witnesses. Depositions shall be complete by January 30, 2011.
6. The Court shall hold a status conference on February 4, 2011, at 2:15pm to plan expert witness discovery, succeeding proceedings leading to trial, and relevant details concerning the mechanics of trial. Counsel's recommendations shall be filed three days before the conference, with appropriate preliminary exchange dates as counsel agree upon.
7. The final pretrial conference shall be held on _____, 2011, at 10:00am, and shall continue until concluded. Motions in limine and any other pre-trial motions will be heard and, if possible, decided at that time. A pre-trial order will be presented by the parties and signed. The considerations for selecting a jury will be discussed and agreed or determined. The parties shall consult my Individual Rules for other requirements.
8. Trial will begin approximately thirty days after the pre-trial order is signed. The trial will be a timed trial, equally divided between plaintiffs and defendants, as defined at the pre-trial conference.

SO ORDERED.

Dated: September 20, 2010
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge